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April 7, 2014

VIA E-MAIL (sullivanmysdchambers@nysd.uscourts.gov)

Honorable Richard J. Sullivan
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2104
New York, NY 10007

Re: *Affymetrix, Inc. v. Enzo BioChem, Inc.*, Case No. 03-cv-8907 (RJS)
Enzo BioChem, Inc. v. Affymetrix, Inc., Case No. 04-cv-1555 (RJS)

Dear Judge Sullivan:

Pursuant to the Court's Individual Practices § 1.D, this letter is submitted jointly on behalf of Affymetrix, Inc. ("Affymetrix"), and Enzo Biochem, Inc., and Enzo Life Sciences, Inc. (collectively, "Enzo") to notify the Court that Affymetrix and Enzo have resolved the discovery disputes that are the subject of pending motions, and to request modification of certain filing dates in the pre-trial scheduling order for the above-referenced consolidated cases.

The parties have resolved the discovery disputes that are the subject of Affymetrix's motion for a protective order made in joint letter on March 6, 2014 (Doc. No. 123 in case no. 8907; Doc. No. 125 in case no. 1555), and Enzo's motion to compel made in joint letter on March 26, 2014 (Doc. No. 136 in case no. 8907; Doc. No. 141 in case no. 1555). Accordingly, these discovery motions are now moot and the parties jointly request that the Court dispose of them as moot.

The parties' resolution of these discovery disputes has necessitated modest modifications to certain filing dates that were set in the Court-ordered pretrial schedule entered January 10, 2014 (Doc. No. 114 in case 8907; Doc. No. 115 in case no. 1555). Specifically, the parties jointly request that the date for submission of a joint pre-trial order and related items, and the filing dates regarding motions to exclude expert testimony be modified as follows:

Chicago	Los Angeles	Shanghai
Frankfurt	New York	Washington, DC
London	Palo Alto	West Palm Beach

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Event	Currently Set Date	Jointly Proposed Modified Date
The parties shall submit a joint pre-trial order and the items specified in Judge Sullivan's Individual Practices at Sections 3(A) and 3(b)(i), (iv), including any objections or oppositions specified in Section 3(D)(i), (iii).	April 21, 2014	April 22, 2014
Any motions to exclude expert testimony	Motions: April 17, 2014 Oppositions: April 24, 2014 Replies: April 28, 2014	Motions: April 22, 2014 Oppositions: April 25, 2014 Replies: April 28, 2014

The requested modifications are modest and do not alter the originally-set date (April 28) for completion of briefing on motions to exclude expert testimony nor any date thereafter. The parties jointly request that the Court approve the proposed modified filing dates set forth above.

Respectfully submitted,

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Respectfully submitted,

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